

## **Amherst Charter Commission meeting of June 1, 2017, The Amherst Police Station Community Room**

Members present: Andy Churchill, Meg Gage, Nick Grabbe, Tom Fricke, Mandi Jo Hanneke, Irv Rhodes, Julia Rueschemeyer, Diana Stein, Gerry Weiss.

Collins Center: Tanya Stepasiuk.

Public in attendance: Andy Steinberg

### **Agenda**

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Public comment (15 minutes)
3. Review list of remaining sections of Charter to finish discuss timeline (15 minutes)
4. Work on master draft language (may include Legislative, Planning, School Committee and Other Elected Offices, Elections, other) 3 hours, 25 minutes
5. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
6. Adjourn

### **The meeting was called to order at 5:32 p.m.**

#### *Public comment.*

**Andy Steinberg:** Hope my comments made were helpful. I know that you're struggling to create a proposal and it's a challenge to think about a 13-member council and how the responsibilities of a chair and 13 member council will be. It will involve managing meetings, working with the manager etc. It is the council that is the government. The question of how you select the council is an important matter to consider. There are pros and cons to various ways of how they will get elected. I might submit further comments on that. The question of what you call the person is also important. As I've looked at the drafts, I think there can be a danger in being too specific. Two things: how do you go about notifying the community that we are considering a bylaw? Requiring it to be published in the newspaper may not necessarily achieve your goal. We're in an evolving time where publishing a notice may not make sense and may involve an expense. Are you talking about doing an advertisement and is that the best way to spend money? Are you wanting to predict that far into the future? Regarding council approval of department heads--the further down the path you go with that, you run into further risks. Make sure it doesn't become a popularity contest that discourages outside applicants from applying. There's also the question of how the open meeting law in Massachusetts will play into this process and whether the council approves or disapproves of a proposed hire has to be done in public. That will affect the whole process of selection and may discourage applicants. Are we going to diminish the quality of good people we want running our departments? Just wanted to point those out.

**Stepasiuk:** We don't have a lot of time but I feel a little less nervous than last time. Feel like a lot of things have been accomplished in the past weeks. Most articles are in place. The major outstanding things: the elections and transitions provision. We had a phone call to consult and had Marilyn work on a draft. I'm editing based on what's been going on here. We should have a draft next week. Would like the transitions group to look at it first. If we can do legislative, planning, school committee, transition provisions and elections, that would be a major achievement.

*Gage asks about zoning.*

**Stepasiuk:** No other charter talks about zoning.

**Gage:** I think it could be discussed under planning.

**Hanneke:** Think we should finish the legislative first.

**Gage:** Also wanted to raise the idea of 16 year-olds voting. I have a hand-out with 10 reasons why it's a good idea. It's a global movement to try and engage younger people in the political process.

**Churchill:** Why don't we come back to that in the elections article?

**Hanneke:** Article 1 section 3: Still feel it should be called the executive branch. Not all of it deals with the town manager.

**Churchill:** In terms of other charters I've seen, thinking of them as separate (legislative and executive) is misleading. To say that the manager is the chief executive, it feels like we're setting them up as something different.

**Stepasiuk:** Functionally it'll be the same.

**Gage:** The town manager in this structure is more powerful than the town manager we have now. They have a higher level of transparency. They execute policies. The town manager is expected to execute policies.

**Rhodes:** Functionality is more important than what you named. If we're going to be sending a message to the town at large, then this person is the chief administrative officer of the town. We're hiring them to make sure that the lights stay on. It's an administrative function. It's important. We're having that person be responsible of running this town. If you want to call them chief executive officer, I really don't care. As long as the language states that the council is the policy maker and that the manager follows those policies.

**Grabbe:** I think the manager should be called the chief administrative officer.

**Stepasiuk:** The fact that a select board would have more contact and give more direction would be the difference. It would be headed by the town manager without the select board on top.

**Grabbe:** We want the council to give the manager direction.

**Stepasiuk:** That's generally not how it works. The council is writing policy and the executive executes it.

**Weiss:** Do you have to have a chief executive officer? Once you say he/she is the chief executive officer, you're elevating that position to a more mayoral position.

**Hanneke:** Had suggestions for article 3 under section 2. The town manager shall be the primary person responsible. This manager is the one implementing it. I thought in a more clarifying way, it might help us do something like this.

**Rhodes:** That's what I'd have in mind. A manager is responsible for implementing those policies. That's a clear delineation of power.

*Consensus, all are okay with that language.*

**Gage:** Reminder that we were trying to address the lack of clarity of the select board. The language Mandi came up with is very good. The idea is to clarify a more efficient legislative function and strengthen the executive function. It seems that we can't say the legislative branch is also the executive.

**Churchill:** I don't think they're necessarily the terms people are looking for.

**Hanneke:** I think they are. *Stein agrees.*

**Stepasiuk:** The traditional function is that the town manager is the head of executive. This is a pretty standard structure.

**Churchill:** I think people just tend to go to the president in congress. The manager is the same as the president. I think that this is creating confusion.

**Fricke:** I like the language you suggested earlier of clarifying that the council does policy setting and legislative.

**Rhodes:** The last 3 words shouldn't be there. It says "3 of these members to be elected by voters at-large." Want to clarify "at-large." Comma or no comma?

**Stepasiuk:** Suggest not getting bogged down into language clarifications like this. You can send an email to me... I think we need to go to section 2-2. Some question as to whether this person would be called a chair or president and how they would get elected. As it stands, it's called a chair and the members of the council elects the chair from their membership. That's a fairly standard version.

**Grabbe:** I think there is a substantial body of opinion in town that would like the voters to have a say in the selection of a council chair/president. This is consistent with our themes: a point person who speaks for the town. There are a number of ways I thought about that we could do this. The most obvious one is to have a council-president directly elected by voters.

**Rhodes:** I like one part, that the at-large council that gets the largest number of votes becomes the chair. The way we're defining the council, that person will not only become the spokesperson for the council, but becomes the spokesperson for the town in some sense. That person is the top vote-getter from all of the town and from at-large councilors and therefore becomes the chair. I like the first part.

**Rueschemeyer:** I like that idea. It's a more democratic way of doing things. Everything already seems more insular.

**Gage:** I support the language we voted on before. Having the council choose its chair gives the council more integrity. Having it be only 3 people who run at-large... someone who's running for a ward would not qualify.

**Grabbe:** You'd want this person to have a vision for entire town.

**Gage:** It gives the council less control over who their leadership is.

**Hanneke:** Bringing it back to last week's discussion, we discussed the possibility of a chair being a first among equals, type policy leader vs the council as a whole's policy. The decision we made last week is that we wanted it to be a council's policy and keep the chair as more of a facilitator role. I believe we need to have the chair elected within the council. Of those 13 it's not necessarily the top vote-getter who's the best at running meetings etc. We might be strangling your council because that person ran a successful campaign but they can't run a meeting for anything. I wholeheartedly support electing from the council.

**Weiss:** What effect would it have on people running? That makes it a different election. Mandi's point is the most salient. I remember this group moving away from a mayoral model of having a point person. I agree with Mandi.

**Stein:** I like what Mandi said. I like the chair being voted from amongst council members.

**Rhodes:** I agree with Mandi. The one negative about the councilors electing the chair is that the chair would possibly be from a ward and how does perception of that person from that ward change from their ability to get things done for that ward?

**Rueschemeyer:** You're jumping into a chair of the council... If someone can't run a meeting, they shouldn't be elected to the council. They should have some kind of minimum qualification requirement. This person isn't just running a meeting. They have a lot of contact. It's a substantively important position. I think voters should choose who that person should be.

**Fricke:** I'm more in favor of them being elected from within the council.

**Grabbe:** It makes sense to elect him or her from within the council. Would like this person to have more of a role as a policy leader. Now that we're not going to have a mayor, there is a leadership vacuum and that makes it quite vulnerable. A lot of people want to have a say in who their policy leader is.

**Gage:** Curious why everyone voted against the Cambridge side of mayor.

**Stepasiuk:** In Worcester the president is separately elected.

**Churchill:** Why would anyone would want to run for an at-large position instead of a ward position? In at-large, you have to think about the whole town. One different role might be to represent the town at-large and have a town conversation. The one who makes the most persuasive case would therefore have some standing to have a discussion of what the decision should be... I could go either way.

**Weiss:** I think you're moving toward a slightly higher position than chair so it becomes clear to the voters that they're electing someone with more authority and a vision.

**Rhodes:** I would rather have the council select from those 3.

**Stein:** I don't want to get into the situation where we have people running to be the mayor. I'm willing to have this compromise where you get 3 at-large people elected and have the council choose a president from those 3. They could all vote on the person amongst the at-large to be the president of the council.

**Gage:** I would hope that everyone running for council from a ward would consider first the best interests of the town. I want the precincts and perspectives to be represented. Hopefully voters would elect people who care about the whole town.

**Hanneke:** I have no preference on calling them a chair or president. Would we also require a vice chair to come from those 3 elected or from the council?

**Rhodes:** Seems like if we make a decision about the chair, then we should make a separate decision of the vice chair coming from the councilors.

**Grabbe:** Motion to have the council-president elected from among the at-large councilors with the understanding that the vice president will be elected by a full council from full membership.  
*Seconded.*

**Rueschemeyer:** Struggling with idea that not that many people would be running for this. Seems like a much bigger campaign to run every 2 years.

**Stepasiuk:** For almost every at-large race, there are always more people running than there are seats. Most have the same term lengths. In Salem we have 4 at-large positions and 8 people running. Some people move from their ward seat to at-large. Some people start running at-large or they don't want to run against their particular ward council.

*All in favor: 8. Gage opposes.*

*Referring to Section 2-7.*

**Hanneke:** I found that there are 2 charters where the residents could essentially petition the council with a certain number of signatures. Thought it might be good for participation. Barnstable was one of them.

**Stepasiuk:** It might go into our other sections. I personally don't have strong feelings about it.

**Rhodes:** I think it's a good idea but not for this section.

**Hanneke:** It's just saying 'we want information and want to meet.' I would recommend 100 signature at a minimum.

**Stepasiuk:** Section 2-9. We've never voted on 2-9 a. Many town councils have a person under their domain who takes all the notes, writes up ordinance, bylaws etc. It can be a town clerk or could be someone else. It gives them authority to appoint that person in particular.

**Stein:** I wonder if we should write in that it's the town clerk. They're the person who will be posting the meetings etc. I know it says they can hire someone but I think we should be specific here.

**Rhodes:** Who does all the administrative functions of the select board right now?

**Andy Steinberg:** They're being done by the town manager with the help of Debra Puppel, the assistant to the town manager. A lot of administrative functions get handled in that same way. Your idea of designating an employee is worth your discussion.

**Rhodes:** It seems to me that we don't want the town clerk to be involved with minute taking. Posting the meetings, yes. There is an administrative function that needs to be taken care of for the council and to have that person be hired by the council. There's all the minutia that has to be carried out.

**Gage:** On our theory that less is more, isn't it enough to say "the town shall appoint a clerk?" Let's just make it simple?

**Weiss:** Wondering if there's any reason we should run this by the Town Manager, Paul Bockelman, and ask his opinion? Talking about adding a job to the town clerk, don't know how she would feel.

**Hanneke:** I'm not sure I support designating the town clerk or any other town employee.

**Stein:** Am I wrong that we now have a council member take the minutes? Minute taking has been a problem. It's not a simple thing.

**Churchill:** Add "the council shall appoint a clerk which may be an existing town employee."

**Hanneke:** Three suggestions. Do we really want to require the town council to publish in a newspaper in print every potential proposed bylaw change? I don't think that's smart. I would delete that. I thought we could discuss how long we want it. Do you want them to be able to vote 2 meetings in a row? I'm in favor of 2 separate readings. Where does that go and how many days after final passage?

*Deliberation about the timeline of passing bylaws. Considering 21 days and taking 2 separate meetings.*

**Hanneke:** For (b) I wanted to add an additional sentence so an emergency does not need two readings. *Discussion about the emergency measure to clarify if they can be postponed.*

*Consensus to take out the whole emergency sentence.*

**Stepasiuk:** Section 2-11. The filling of vacancies needs to be changed.

**Hanneke:** I would change the 18 months to 16. Taking office is two months after the election. The primary might be in month 20. I propose setting it at 16 months so it refers to the next section. Re-writing that section to include other things so you're not repeating two of the same things. If there's a vacancy within 6 months of the election, you don't hold a special election.

**Stein:** I do like what was said about not having a special election.

**Gage:** I'm still concerned about the lack of leadership development.

**Weiss:** Someone who may have come in third could run to fill in the vacancy.

**Stein:** There have been vacancies like the library of trustees and the school committee. The Select Board (with other trustees or school committee members) voted amongst the applicants, so that was fine. Many people are interested in applying.

**Stepasiuk:** It will stay as a special election.

**Stein:** It's so expensive so I would rather have appointment from applicants. We're talking about 2 year terms so we would save some money.

*Further discussion. Council legislature is finished!*

**Weiss:** I have to leave soon. We had 4 main topics. One, was the creation of wards. We were tasked with coming up with suggestions. Mandi and I have come up with two other scenarios. There's probably 5 or 6 different ways it could be done. Compensation for councilors was another topic. We need to come up with suggested numbers. We talked about elections and seemed to agree there won't be an election for first filling until November 2019.

**Stepasiuk:** We'll bracket that.

**Weiss:** I think it would be responsible of us to find a way to create a cost analysis of the new government we're proposing as opposed to the old government. It's not an easy job to do but it would be responsible of us.

**Grabbe:** I already talked to the town manager about this.

**Weiss:** Agreed. It should be done before it goes to the public--before the final report.

**Gage:** It could be a range.

**Stepasiuk:** In terms of these wards you've been putting together, can we put the maps up next meeting?

**Weiss:** Can you also send the link so everyone can see.

**Stepasiuk:** Let's have the working group make those recommendations.

*7:31 p.m. Weiss leaves.*

**Andy Steinberg:** The town counsel and the Collins Center told us that adopting the charter had to be voted on in 2018. I don't think that's something you can change. You wouldn't want to wait until 2019 to have an Town election for council etc. Since you won't have nominees as early as July, there is a cost factor to holding an election of the council.

*Break. Return from break at 7:42 p.m.*

**Churchill:** We have a planning board, zoning board of appeals, a manager, economic development director etc. but what's the degree to which planning gets specified in the charter?

**Stepasiuk:** The best thing might be to look at the first paragraph. It's what other charters have potentially done regarding planning. The first is talking about the planning department. Item 3 is establishing a planning board. Number 4 is starting the conversation about a master comprehensive plan. You can outline that expectation and procedure of approval. You can direct the implementation. A lot of communities have a master plan but don't do much with it. Number 6 is the idea of a broader strategic plan. These were the ways I was thinking about it. We have a few different categories about what we think belongs in this charter.

**Churchill:** We have the expectation that we have these annual public forums on the budget, master plans and schools, correct?

**Hanneke:** That's in the town manager section on communications.

**Churchill:** We currently have a planning board. Both might have the council approve with or without amendments. I don't know about a strategic plan. It seems like a good idea but the manager could do that if he or she wants to.

**Hanneke:** Could we have these two separate discussions?

**Stepasiuk:** Does anyone have a will to change the department of planning?

**Gage:** I'm fascinated about the difference between a planning department and community development. Development will happen in a certain way. It doesn't always work out like planned. For example, Kendrick Place was going to have store front shops that would extend the commercial district. Instead, they're stores for computer programs. That's what I heard is going to happen with the new building, 1 East Pleasant. How does the public deal with a plan that was presented a certain way? The carriage shop is also going to have one renter that will do computer programming.

**Hanneke:** It would be part of zoning bylaws, which does not belong in a charter.

**Gage:** Because people are frustrated they're going to want some checks on things.

**Stein:** The planning department has been faulted for simply orchestrating development. People would like some vision for what the town should be like. That has not really been the case as opposed to regulating development. In terms of number 1, I wouldn't combine planning with anything else. I think it should be a separate department.

**Rhodes:** The master plan that was brought forth by the planning board: how old is that and when does it have to be redone? The vision for the town via the planning department comes from that master plan. That master plan provides a vision for the planning department. They do have marching orders. That lays out what they're going to be planning for. Do we put the appointment of the planning board under the council or elsewhere? I do see this as something worthwhile to consider that they should be appointed by the council.

**Fricke:** My sense reading this is that I think we should leave the establishment of that department to the town manager. I vote to not have one or two.

**Hanneke** Agrees.

**Churchill:** Number 3 is planning board. There's been discussion about the planning board and ZBA being appointed by the manager, the council or elected by voters or some hybrid. Those are the 4 options.

**Churchill:** What is the role of the planning board?

**Stepasiuk:** The planning board votes for approving projects and things like that. The planning department is doing the work, putting the plans together and bringing those to the planning board (administrative functions). In some ways it's similar to the ZBA.

**Rueschemeyer:** So who's doing the policy and setting the planning priorities? Someone needs to have an overview of what to prioritize?

**Rhodes:** The planning department has nothing to do with sidewalks.

**Hanneke:** The planning board is one of two granting authorities in town. They're the ones that grant you the permit if you want to build here. The planning board also has to develop the master plan. It's a policy thing within state law. The planning board is not going to be choosing the planning department head.

**Rhodes:** What is the relationship between the planning board and the planning department?

**Grabbe:** The planning department isn't a permit granting authority. The board has the power to reject or accept with conditions a development proposal consistent with the zoning bylaw.

**Hanneke:** The board has no directorial saying you must do this.

**Stepasiuk:** They can bring motions and bring votes to what they want to happen.

**Grabbe:** If people are saying the planning board isn't Planning enough, that's not what they're supposed to do.

**Stepasiuk:** When thinking about sidewalks, they do have some say about that.

**Grabbe:** The planning board and ZBA can issue waivers.

**Stepasiuk:** It's an issue anywhere you go in the state.

**Grabbe:** Some criticism of the planning board and ZBA is that they've allowed too many waivers.

**Rhodes:** To me it circles back to the planning board being appointed. Whether they should be appointed by the council or the manager. I believe that given the credible amounts of controversy around the planning board, that it almost becomes a political issue. It generates a huge amount of conversation. It would seem logical for that to be an appointed board by the council. People should be able to take their anger out on those who are elected.

**Fricke:** The planning board is a group of people with experience and expertise in understanding zoning and zoning bylaws. What's the ideal planning board? People who have a grasp on both the master plan and minutia of zoning bylaws? The planning board is essentially proposing zoning to the council. What would the ideal planning board look like?

**Grabbe:** Agree with Irv. The council should appoint. Concerned about having all the members of the planning board be appointed by the council. It's a very controversial issue in town. Criticism of the planning board is that it is too heavily dominated by experts in the field with too many unanimous votes. Now that we don't have a mayor, I'm less comfortable with that. I think a compromise is appropriate. Would like to suggest a half elected and half appointed board.

**Gage:** One of the things we'd like in a planning board is if they're discussing complex issues, the board would reflect some of that discussion so those things would be aired. It feels like issues are unanimous when they're in fact controversial. I don't know how to create a board that reflects the range of opinions the residents in our town hold. We have the master plan but what does that look like? If you only have an elected planning board, you might miss some of the expertise. You do need people who know things. Maybe some kind of combination is the way to go. The planning board has gotten the message. They've started to do some planning but they've had a bad rap. The planning board has to be visionary and creative for looking at how they interpret the master plan. It's about buildings. It's complicated. I think there's a role for both and some ability for the public to elect people.

**Stein:** I do support the idea of electing half the planning board. One of the points that got raised by one of the members was whether the size of our planning board is too large. In one community they have 7 members and 2 alternates. If one of the 5 or 7 can't attend, the associates had been coming all along and can easily fill in. There are accommodations to think about. It was also suggested at one point to make a smaller planning board than we currently have now to be more effective. I think we're at 9 now. It would be going from 9 to 7. I like the idea of 2 of those being associates. It seems to offer some kind of flexibility. Would like to at least find out whether that's true.

**Churchill:** That could also be done by bylaws.

**Hanneke:** I might be taking a minority view here. I don't support election of the planning board, even half. I'm not even sure about supporting it being appointed by a town council, but I might come around to that. You read the state law. State law requires 5 to 9. It requires staggering the terms in appointment or election. If we have to stagger elected terms, especially one a year staggering, you've got some major problems. Suddenly we're putting forth a charter that's really contradictory. If ranked choice voting is not adopted and you go to block voting, I think the election is more likely to block vote those minority views that people are seeking to have on this planning board. If you block vote members of a body at-large, the likely people to win that block vote are those that support the majority view in town, which never gets the minority opinions aired. If you're appointing and you have a council with majority and minority views in town,



those minority councilors suddenly have a lot more say. They can start horse trading votes. In a smaller body I think you have a better chance of having those minority views appointed than in an election where a majority win. If having to run on views, we might continue creating the problem we currently have. I would support reducing the size too.

**Rueschemeyer:** Agree with Mandi about appointing. Electing a position where you get expertise is not necessarily best. You might get more minority views represented. I don't think the manager should appoint the planning board. I support what Irv was saying as well.

**Gage:** Great that we all agree that we want a planning board with diverse perspectives.

**Churchill:** I think it's also possible that in the course of deliberation we might still have unanimous outcomes.

**Grabbe:** The benefit of having a half elected, half appointed board is that you want people who stress economic development and neighborhood preservation for example. They could even out.

**Stein:** Agree with Nick. The complaint has been that appointments have been made with a narrow perspective of the appointed. Having had them elected gives them a greater voice.

**Churchill:** Are we talking 3 members elected and 4 appointed?

**Grabbe:** Or you could have certain seats. Say 4 seats appointed, 3 elected?

**Hanneke:** You can't vote on granting a permit unless you're in attendance at all hearings where that was discussed.

**Stepasiuk:** That is why a number of cities have the alternates.

**Hanneke:** I do not see anyone running for alternate positions on a planning board.

**Rhodes:** I definitely don't support elections of the planning board. We could do a survey in the population and ask what the planning board does. Most people would have no idea what the planning board does. If they're appointed by the council, the council members are coming from the wards. That council can appoint members that can reflect what the community wants. I don't believe you will get that if you have an election. Especially if you have an election where the definition or understanding of what that person does is opaque, then the groups who have the ability to organize themselves, will vote those people in who they want.

**Churchill:** One difference is that right now we have the manager appointing. If the council is appointing but the public doesn't like it, they will face some heat. I'm not sure the voters at-large would have a good sense of what would make a good planning board. The council would have some thinking about that, more so than a manager. Could we get a sense of who supports the council appointing the planning board? Motion to move to have a 7 member planning board. *8 in favor, 1 absent.*

**Churchill:** Motion to have the council appoint all members of the planning board.

*Rhodes seconded.*

*All in favor: 5. All opposed: Stein, Gage, Grabbe (3)*

Discuss to have alternates?

**Stepasiuk:** Alternates would move into full members. It's just to have additional people available to do it. It's people who want to be full members but I'm not sure how they do it in practice. Occasionally they're assigned to a project as well. It would be worth reaching out and asking.

**Hanneke:** How do you put that in a charter?

**Stepasiuk:** Anything we don't want to be permanently in the charter, we can put in the transitions section.

**Hanneke:** I would support putting the number in transition so they can decide if 7 is too many.

**Churchill:** Similar to the planning board, we talked about ZBA being appointed by council as opposed to manager.

**Stepasiuk:** For the whole question of the special permit granting authority, they can write a bylaw to that effect. Assuming we don't write it in the charter, the council can decide if it wants to be a special permit granting authority or can decide if it's all ZBA. That would be particularly controversial.

**Hanneke:** I support keeping ZBA appointed by the executive, so leaving it with the manager, because the ZBA does nothing with bylaws at all. You think about it as a judicial one. The planning board has a lot more policy proposing and editing going on. The ZBA is strictly the interpretation body. You either comply or you don't. Because it doesn't have that extra policy, I don't think the council should be the one appointing it. I would be totally against the council doing that. With an appointed body you can guarantee legal expertise for example.

**Rueschemeyer:** I think we should give the council the role of appointing the ZBA. I think we should give choice to members. It's still interpretation and is fairly politicized in this town.

**Rhodes:** I think we really need to understand clearly what the ZBA does. There have been a lot of complaints by ordinary citizens by ZBA decisions and by developers complaining how the ZBA do interpretations. It's amazing that they can have interpretations of something that's supposed to be black and white. I believe they should be appointed by the council, whether or not the size should stay the same.

**Churchill:** I heard that the planning board was too big and the ZBA is too small. I think the ZBA is interpreting what would be allowed beyond the zoning bylaw.

**Grabbe:** In the zoning bylaw, there are certain uses. There's still guidance from the zoning bylaw.

**Churchill:** They do have their right to say yes or no.

**Gage:** They can have tons of waivers.

**Rueschemeyer:** Is 3 unusually small?

**Stepasiuk:** It's as small as you can get. You should have 4 associate members. Essentially 3 full members, 4 associate members.

**Grabbe:** ZBA is also vulnerable to legal challenge.

**Hanneke:** It's the board member's names that go on that suit.

**Grabbe:** Who is the appointing authority now?

**Hanneke:** ZBA is the select board. The planning board is the manager.

**Stein:** I was going to suggest to have some balance. Maybe the council should do the planning board. Suggesting the manager might appoint ZBA to spread out the power because they have different perspectives. The town manager has a better knowledge of who has better experience.

**Rueschemeyer:** Let's talk more about the ZBA size.

**Stein:** Right now it's 3 and 4 associates.

**Churchill:** I'm not sure I'm feeling enough knowledge about this.

**Grabbe:** There was a case in the mid 80s. The vote on the ZBA was 2-1 and it failed because it was not unanimous.

**Rueschemeyer:** Could we temporarily put the size in as 5? Hold it and talk to more people who have more knowledge about this?

**Rhodes:** We need to at least say if they're going to be appointed or not.

**Fricke:** If we don't speak on this as all the charters don't, is that subject then to a bylaw? Could the council in the future change the size? Can we hand that over to future councils to debate?

**Stepasiuk:** I'm not positive. Some things need a special act. I can find that out for you.

**Fricke:** If we spelled this out in a transitions provision, then what?

**Stepasiuk:** It would cement it until they act on it to change it.

**Rhodes:** I would like to table the size and vote on whether we want the ZBA to be appointed by the council vs the manager. Made a motion to have the ZBA appointed by the council.

*Rueschemeyer seconded.*

**Fricke:** Are we doing this because we want the council to appoint so that will create voter accountability heat on council members?

**Hanneke:** ZBA does not have as much policy creation.

**Grabbe:** Expertise is more important.

**Hanneke:** Does anything that goes through the planning board have to go to the ZBA too?

**Stein:** I don't think so.

**Gage:** We have a listening session next Tuesday. We could put out that we want a discussion of this topic.

**Churchill:** I'm concerned about how much time this would take for the council.

**Gage:** It could be for a subcommittee. That's the advantage of having 13 people -you can divide the leg work.

**Hanneke:** They're also reviewing all managers of department heads.

**Rueschemeyer:** That's probably some of the most important work they're doing.

**Churchill:** Motion for the council to vote on appointing members of the ZBA.

*All in favor: 5. All against: 3. 1 absent. Motion carries.*

**Churchill:** It may be something we do bring to the listening session. We can test it.

**Rueschemeyer:** I think we could put the size in the transition as 5 in the ZBA for the reason it would take 2 people to block a project—with 3 people only one blocks a project.

**Hanneke:** At this point I'm in favor of leaving the ZBA size silent.

**Churchill:** Can the council change the size in a bylaw? *Stepasiuk will check.*

**Rueschemeyer:** Would also like to hear from someone who thinks a 3-member ZBA is a good size. Most communities have 5.

**Stepasiuk:** Master plan discussion (see Article 9.8 in Draft 21 of the Charter). In number 4. I gave some examples of Framingham. It's essentially saying there shall be a master plan. If looking at Framingham's, it says how it can or should be revised. It's a question of preparing a new one. This is essentially what cities and towns have put in regarding a master plan.

**Hanneke:** I liked the Framingham model over the Newton model. From there I would have modified the mayor references, moved many to manager, would have deleted everything after first clause in.... I'd take the basis of Framingham's master plan section and add from Newton section 7-2-c. I also liked section 7-3-b.

**Rueschemeyer:** What's your thinking about keeping 7-3-b? Why is that important? I agree with that language choice as well. It's important to have master plan language in the charter.

**Churchill:** Framingham in the content section says "shall include arts, culture and recreation"

**Rueschemeyer:** I think we can add "may include" arts, culture and recreation.

**Fricke:** Are you suggesting a new master plan has to be made every 20 years?

**Stepasiuk:** Yes, that's state law.

**Hanneke:** Suggest we put it in the charter and follow Framingham's master plan portion, adding those 2 things: 7-2-c and 7-2-b. Motion to include it as a draft in the next master draft charter.

*Stein seconded.*

**Gage:** I like the fact it shall include those things. That wasn't in the plan.

*Further deliberation. Transitional question.*

**Churchill:** Motion for Hanneke to submit language to Stepasiuk.

*All in favor: 8.*

*Move to discussion of school committee page 17 of Master Draft dated 5-29-17).*

**Stepasiuk:** Looking for numbers and length of term. We don't get to change their powers and duties.

**Rhodes:** The Amherst School committee is 5 right now with 3 year terms.

**Rueschemeyer:** We were talking before about whether the mayor would be in the school committee.

**Hanneke:** Two year terms seems to make sense.

**Rhodes:** Motion to have school committee members have a term of 2 years.

**Hanneke:** The argument for 4 would be that they have a longer range view to maybe implement longer policy. They would be the only office that has more than a 2 year term in our charter except for the housing and redevelopment authorities but those are statutory.

**Churchill:** With a 4 year term, you'd have a minimum of 8 years. You're likely to get more people doing more than 2 two year terms (4 years) as opposed to one 4 year term or 8 years for two terms. A four year term is a big chunk to sign up for.

**Rueschemeyer:** People could always leave during their 4 year terms.

**Grabbe:** I don't understand why we would give school committee members longer terms than councilors

*All in favor.*

**Gage:** I'm always interested in seeing if there could be a student seat.

**Rhodes:** There's always been one.

**Stepasiuk:** Since you do have 5 wards, you could assign one member to come from each ward if you want geographic diversity.

**Churchill:** I don't know if people would be that territorial on the schools. It's a big change and I don't know what the reason would be for it.

**Hanneke:** Right now we have 3 elementary schools, which means that if you elect by ward and the School Committee needs to make a decision to close or combine schools and you have 2 or 3, you could end up with 3 school committee members.

**Rueschemeyer:** In Northampton most of them are ward members.

**Hanneke:** There would be no at-large if we kept the School Committee this way.

**Churchill:** People might be more concerned if there's some sort of municipal oversight to the deliberations on budgets and policy more than we need regional representation.

**Rueschemeyer:** I would be curious to know: do more towns our size have at-large or ward?

**Stepasiuk:** Most have at-large but there are a number with ward representation.

**Rhodes:** Bad idea to have ward representation. There are only 3 elementary schools. Who's in favor of keeping it at large the way it is now? *7 voted yes. Rueschemeyer abstained.*

**Stein:** Curiosity question: what's the benefit of having the council president or town manager sitting on the school committee? What do you see them bringing to the process?

**Grabbe:** Are there other areas besides the budget that would have a compelling reason? I can't think of one. Most are debates about educational policy.

**Rueschemeyer:** There is educational policy but in terms of the town, are schools good enough and are people wanting to move here because of the schools? That's about the health and wellbeing of our town.

**Stein:** I can imagine the council president saying "do something, the schools aren't good enough."

**Rueschemeyer:** It brings a different perspective from town.

**Churchill:** I understand the mayor is bringing budgetary oversight and non-parent responsibility. It might bring a sense of reality.

**Hanneke:** When we were talking about a mayor, a mayor was going to be a full-time position. A council president might be paid slightly, but is not full-time. This is adding a whole lot of extra meetings for them. Adding an extra position to what is essentially a volunteer position. It might be harder to find councilors. There's the possibility that they might end up on a School Committee too.

**Rueschemeyer:** If you had the other perspective from the council on the School Committee there may be some way to consolidate some expenditures we had and it might be possible to pay the council president more because of extra work.

**Hanneke:** If it's not a living wage, you only have 1/3rd the possibility of it being that. It creates problems because it's not a full-time position

**Rhodes:** I think it's a bad idea. I see the kinds of issue that come up as being budgetary. There's an enormous amount of cooperation. I don't see what we gain.

**Churchill:** Could the council have a liaison for the School Committee?

**Fricke:** If our goal is to increase consistent communication between these 2 bodies, how much of this is in charter?

**Churchill:** Let's take a preference vote.

*Motion: Should there be a member of council on the School Committee?*

*Yes: 2, No: 5, 1 abstaining.*

*Motion: to retain the 5 person School Committee as elected at-large?*

*All in favor: 7. Rueschemeyer abstaining.*

**Churchill adjourned the meeting at 9:35 p.m.**

Respectfully submitted,  
Fiona Servaes

**Documents presented:**

Amherst Charter Master Draft 05.29.17

Amherst Memo Planning 5.31.17